



DAC #15

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Morris E. Lewis

Application No.: 09/339,059

Art Unit: 2165

Filed: June 23, 1998

Examiner: Nicholas Rosen

Title: METHOD, APPARATUS AND PROCESSES FOR MANUAL, AUTOMATIC OR  
REMOTE ONLINE PURCHASING AND LOCAL, REGIONAL AND INTERNATIONAL  
OVER THE COUNTER PURCHASING WITH REBATE, SAVING, AND INVESTING

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

RECEIVED

FEB 24 2003

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

**A. The reply and/or fee to the above-noted Office action in**

the form of Amendment, Additional Ext. Fees, and a Petition to Withdraw Holding of Abandonment (identify type of reply):

- ☒ has been filed previously on Oct. 11, 02 - Jan. 21, 03 - Jan. 21 03, respectively.  
☐ is enclosed herewith.

**B. The issue fee of \$ \_\_\_\_\_**

- ☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

02/21/2003 AMONDAF1 00000060 09339059

01 FC:2453

650.00 00

## 3. Terminal disclaimer with disclaimer fee

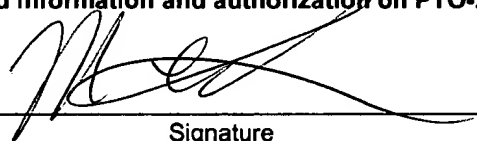
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

February 15, 2003

Date



Signature

Telephone

Number: (301) 899-8925

MORRIS E. LEWIS

Typed or printed name

6104 Joyce Drive, Camp Springs, MD 20748

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

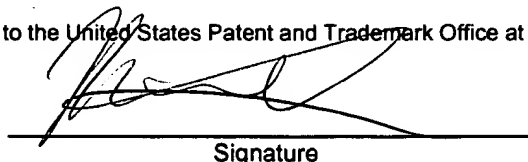
I hereby certify that this correspondence is being: **HAND DELIVERED TO THE USPTO**

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

February 19, 2003

Date



Signature

MORRIS E. LEWIS

Type or printed name of person signing certificate

FEB 19 2003

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 650.00)

## Complete if Known

Application Number 09/339,059  
 Filing Date June 23, 1998  
 First Named Inventor MORRIS E. LEWIS  
 Examiner Name Nicholas Rosen  
 Art Unit 2165  
 Attorney Docket No.

RECEIVED

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued) FEB 24 2003

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	\$650.00
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 650.00)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)

MORRIS E. LEWIS

Registration No.

Telephone 301-899-8925

Signature

Date

Feb. 15, 2003

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application:  
Morris E. Lewis



Attorney Docket: LEWIS

Application Number: 09/339,059

Art Unit: 2165

Examiner: Nicholas D. Rosen

For: METHOD, APPARATUS AND PROCESSES FOR MANUAL,  
AUTOMATIC OR REMOTE ONLINE PURCHASING AND LOCAL,  
REGIONAL AND INTERNATIONAL OVER THE COUNTER PURCHASING  
WITH REBATE, SAVING, AND INVESTING PROCESSES

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Honorable Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

In response to the Notice of Abandonment, mailed December  
19, 2002 and In accordance with MPEP Rules 711.03© I respectfully  
request the revival of this application, which was unintentionally  
abandoned.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Morris E. Lewis".

MORRIS E. LEWIS

APPLICANT

301-899-8925

RECEIVED  
FEB 24 2003  
OFFICE OF PETITIONS

The abandonment of my application came as a result of my paying incorrect extension fees. As such, this Abandonment was totally unintentional on my part and, "the entire delay in filing the required reply from due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"

I am a Pro-Se applicant and it was my understanding that "Extension Fees" were fifty-five dollars (\$55.) per month, thus, I made payments based upon my mistaken belief. Abandoning My Application, I very strongly feel is an awfully high price to pay for making a simple mistake.

In the, Interview Summary of the Notice of Abandonment, (shown below) Mr. Rosen states that he "left several messages for Mr. Lewis at 301-899-8925, until receiving an automated response that the memory was full. Examiner Rosen called to say that the case unfortunately gone abandoned"

"Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner Rosen left several messages for Mr. Lewis at 301-899-8925, until receiving an automated response that the memory was full. Examiner Rosen called to say that the case unfortunately gone abandoned; Examiner Rosen's supervisor had determined that nothing could be done about t, except that Mr. Lewis could petition to have it revived. A petition on the grounds that the abandonment was unavoidable would be cheaper than one on the grounds that the abandonment was unintentional. Examiner Rosen suggested that in view of the problems with the specification, and the narrowness of the subject matter found potentially allowable, a petition to revive did not appear to him to be a good investment, but that was Mr. Lewis's decision. Mr. Lewis was invited to call at 703-305-0753 if he wished to discuss the case."

During the period of time the telephone calls were made, I was out of the country. And, in view of my history of promptly returning all of Mr. Rosen's telephone calls, there should have been concern that something was not normal and further consideration warranted. I believe the haste to "Abandon the Application" was unfair and I should have been given further consideration before the determination of abandonment.

In the first Office Communication on this Application, I had allowable claims. Yet in Mr. Rosen's statement (above), he advised that "a petition for revival did not appear to be a good investment." I am confused, why am I being encouraged to drop the application when there has been nothing to show that I am not due a Patent.

Further, the Office Communication (Office Action) that lead to this Notice Of Abandonment was a telephone call that I could not answer because I was out of the country.

Additionally, I wish to again state that this Abandonment was totally unintentional on my part and, "the entire delay in filing the required reply from due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"

Therefore, in view of my honest mistake regarding the Extension Fees, coupled with the fact that I have paid the difference in the Extension Fee paid and that which is due, I beg that you Revive my Application.